

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Culp offered the following:

2  
3 **Substitute Amendment for Amendment (159621) (with title**  
4 **amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (e) is added to subsection (1) of  
7 section 985.207, Florida Statutes, to read:

8 985.207 Taking a child into custody.--

9 (1) A child may be taken into custody under the following  
10 circumstances:

11 (e) When a law enforcement officer has probable cause to  
12 believe that a child who is awaiting disposition has violated  
13 conditions imposed by the court under s. 985.228(5) in his or  
14 her order of adjudication of delinquency.

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16 Nothing in this subsection shall be construed to allow the  
17 detention of a child who does not meet the detention criteria in  
18 s. 985.215.

19 Section 2. Subsection (2) and paragraphs (d) and (g) of  
20 subsection (5) of section 985.215, Florida Statutes, are amended  
21 to read:

22 985.215 Detention.--

23 (2) Subject to the provisions of subsection (1), a child  
24 taken into custody and placed into nonsecure or home detention  
25 care or detained in secure detention care prior to a detention  
26 hearing may continue to be detained by the court if:

27 (a) The child is alleged to be an escapee from a  
28 residential commitment program, or an absconder from a  
29 nonresidential commitment program, a probation program, or  
30 conditional release supervision, or is alleged to have escaped  
31 while being lawfully transported to or from a residential  
32 commitment program.

33 (b) The child is wanted in another jurisdiction for an  
34 offense which, if committed by an adult, would be a felony.

35 (c) The child is charged with a delinquent act or  
36 violation of law and requests in writing through legal counsel  
37 to be detained for protection from an imminent physical threat  
38 to his or her personal safety.

39 (d) The child is charged with committing an offense of  
40 domestic violence as defined in s. 741.28 and is detained as  
41 provided in s. 985.213(2)(b)3.

42 (e) The child is charged with possession or discharging a  
43 firearm on school property in violation of s. 790.115.

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44 (f) The child is charged with a capital felony, a life  
45 felony, a felony of the first degree, a felony of the second  
46 degree that does not involve a violation of chapter 893, or a  
47 felony of the third degree that is also a crime of violence,  
48 including any such offense involving the use or possession of a  
49 firearm.

50 (g) The child is charged with any second degree or third  
51 degree felony involving a violation of chapter 893 or any third  
52 degree felony that is not also a crime of violence, and the  
53 child:

- 54 1. Has a record of failure to appear at court hearings  
55 after being properly notified in accordance with the Rules of  
56 Juvenile Procedure;
- 57 2. Has a record of law violations prior to court hearings;
- 58 3. Has already been detained or has been released and is  
59 awaiting final disposition of the case;
- 60 4. Has a record of violent conduct resulting in physical  
61 injury to others; or
- 62 5. Is found to have been in possession of a firearm.

63 (h) The child is alleged to have violated the conditions  
64 of the child's probation or conditional release supervision.  
65 However, a child detained under this paragraph may be held only  
66 in a consequence unit as provided in s. 985.231(1)(a)1.c. If a  
67 consequence unit is not available, the child shall be placed on  
68 home detention with electronic monitoring.

69 (i) The child is detained on a judicial order for failure  
70 to appear and has previously willfully failed to appear, after  
71 proper notice, for an adjudicatory hearing on the same case  
72 regardless of the results of the risk assessment instrument. A  
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73 child may be held in secure detention for up to 72 hours in  
74 advance of the next scheduled court hearing pursuant to this  
75 paragraph. The child's failure to keep the clerk of court and  
76 defense counsel informed of a current and valid mailing address  
77 where the child will receive notice to appear at court  
78 proceedings does not provide an adequate ground for excusal of  
79 the child's nonappearance at the hearings.

80 (j) The child is detained on a judicial order for failure  
81 to appear and has previously willfully failed to appear, after  
82 proper notice, at two or more court hearings of any nature on  
83 the same case regardless of the results of the risk assessment  
84 instrument. A child may be held in secure detention for up to 72  
85 hours in advance of the next scheduled court hearing pursuant to  
86 this paragraph. The child's failure to keep the clerk of court  
87 and defense counsel informed of a current and valid mailing  
88 address where the child will receive notice to appear at court  
89 proceedings does not provide an adequate ground for excusal of  
90 the child's nonappearance at the hearings.

91 (k) At his or her adjudicatory hearing, the child has been  
92 found to have committed a delinquent act or violation of law and  
93 has previously willfully failed to appear, after proper notice,  
94 for other delinquency court proceedings of any nature regardless  
95 of the results of the risk assessment instrument. A child may be  
96 held in secure detention or, at the discretion of the court and  
97 if available, placed on home detention with electronic  
98 monitoring until the child's disposition order is entered in his  
99 or her case. The child's failure to keep the clerk of court and  
100 defense counsel informed of a current and valid mailing address  
101 where the child will receive notice to appear at court

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102 proceedings does not provide an adequate ground for excusal of  
103 the child's nonappearance at the hearings.

104  
105 A child who meets any of these criteria and who is ordered to be  
106 detained pursuant to this subsection shall be given a hearing  
107 within 24 hours after being taken into custody. The purpose of  
108 the detention hearing is to determine the existence of probable  
109 cause that the child has committed the delinquent act or  
110 violation of law with which he or she is charged and the need  
111 for continued detention, except where the child is alleged to  
112 have absconded from a nonresidential commitment program in which  
113 case the court, at the detention hearing, shall order that the  
114 child be released from detention and returned to his or her  
115 nonresidential commitment program. Unless a child is detained  
116 under paragraph (d), ~~or~~ paragraph (e), or paragraph (k), the  
117 court shall use the results of the risk assessment performed by  
118 the juvenile probation officer and, based on the criteria in  
119 this subsection, shall determine the need for continued  
120 detention. A child placed into secure, nonsecure, or home  
121 detention care may continue to be so detained by the court  
122 pursuant to this subsection. If the court orders a placement  
123 more restrictive than indicated by the results of the risk  
124 assessment instrument, the court shall state, in writing, clear  
125 and convincing reasons for such placement. Except as provided in  
126 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),  
127 paragraph (10)(c), or paragraph (10)(d), when a child is placed  
128 into secure or nonsecure detention care, or into a respite home  
129 or other placement pursuant to a court order following a  
130 hearing, the court order must include specific instructions that  
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131 direct the release of the child from such placement no later  
132 than 5 p.m. on the last day of the detention period specified in  
133 paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1.,  
134 whichever is applicable, unless the requirements of such  
135 applicable provision have been met or an order of continuance  
136 has been granted pursuant to paragraph (5)(f).

137 (5)

138 (d) Except as provided in paragraph (2)(k), paragraph (g),  
139 or s. 985.228(5), a child may not be held in secure, nonsecure,  
140 or home detention care for more than 15 days following the entry  
141 of an order of adjudication.

142 (g) Upon good cause being shown that the nature of the  
143 charge requires additional time for the prosecution or defense  
144 of the case, the court may extend the time limits for detention  
145 specified in paragraph (c) or paragraph (d) an additional 9 days  
146 if the child is charged with an offense that would be, if  
147 committed by an adult, a capital felony, a life felony, a felony  
148 of the first degree, or a felony of the second degree involving  
149 violence against any individual.

150 Section 3. Subsection (5) of section 985.228, Florida  
151 Statutes, is amended to read:

152 985.228 Adjudicatory hearings; withheld adjudications;  
153 orders of adjudication.--

154 (5)(a) If the court finds that the child named in a  
155 petition has committed a delinquent act or violation of law, but  
156 elects not to proceed under subsection (4), it shall incorporate  
157 that finding in an order of adjudication of delinquency entered  
158 in the case, briefly stating the facts upon which the finding is

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159 made, and the court shall thereafter have full authority under  
160 this chapter to deal with the child as adjudicated.

161 (b) The order of adjudication of delinquency under  
162 paragraph (a) shall also include conditions that must be  
163 followed by the child until a disposition order is entered in  
164 his or her case. These conditions must include, but are not  
165 limited to, specifying that the child, during any period of time  
166 that he or she:

167 1. Is not in secure detention, must comply with a curfew;  
168 must attend school or another educational program, if eligible;  
169 and is prohibited from engaging in ungovernable behavior.

170 2. Is in secure detention, is prohibited from engaging in  
171 ungovernable behavior.

172 (c) For purposes of this subsection, the term  
173 "ungovernable behavior" means:

174 1. The child's failing to obey the reasonable and lawful  
175 demands of the child's parent or legal guardian and, where  
176 applicable, the reasonable and lawful demands of a person  
177 responsible for supervising the child while he or she is in  
178 school, another educational program, or secure detention.

179 2. The child engaging in behavior that evidences a risk  
180 that the child may fail to appear for future court proceedings  
181 or may inflict harm upon others or the property of others.

182 3. Other behavior of the child as specified in writing by  
183 the court in the order of adjudication of delinquency.

184 (d) If a child willfully violates a condition contained in  
185 his or her order of adjudication of delinquency, the court may  
186 find the child in direct or indirect contempt of court under s.  
187 985.216; however, notwithstanding s. 985.216 and the results of  
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188 the risk assessment instrument, the child's sanctions for such  
189 contempt of court shall be placement in secure detention or, at  
190 the discretion of the court and if available, on home detention  
191 with electronic monitoring until the child's disposition order  
192 is entered in his or her case.

193 Section 4. Paragraph (a) of subsection (1) of section  
194 985.31, Florida Statutes, is amended to read:

195 985.31 Serious or habitual juvenile offender.--

196 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the  
197 provisions of this chapter and the establishment of appropriate  
198 program guidelines and standards, contractual instruments, which  
199 shall include safeguards of all constitutional rights, shall be  
200 developed as follows:

201 (a) The department shall provide for:

202 1. The oversight of implementation of assessment and  
203 treatment approaches.

204 2. The identification and prequalification of appropriate  
205 individuals or not-for-profit organizations, including minority  
206 individuals or organizations when possible, to provide  
207 assessment and treatment services to serious or habitual  
208 delinquent children.

209 3. The monitoring and evaluation of assessment and  
210 treatment services for compliance with the provisions of this  
211 chapter and all applicable rules and guidelines pursuant  
212 thereto.

213 ~~4. The development of an annual report on the performance~~  
214 ~~of assessment and treatment to be presented to the Governor, the~~  
215 ~~Attorney General, the President of the Senate, the Speaker of~~

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216 ~~the House of Representatives, and the Auditor General no later~~  
217 ~~than January 1 of each year.~~

218 Section 5. Paragraph (a) of subsection (1) of section  
219 985.311, Florida Statutes, is amended to read:

220 985.311 Intensive residential treatment program for  
221 offenders less than 13 years of age.--

222 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the  
223 provisions of this chapter and the establishment of appropriate  
224 program guidelines and standards, contractual instruments, which  
225 shall include safeguards of all constitutional rights, shall be  
226 developed for intensive residential treatment programs for  
227 offenders less than 13 years of age as follows:

228 (a) The department shall provide for:

229 1. The oversight of implementation of assessment and  
230 treatment approaches.

231 2. The identification and prequalification of appropriate  
232 individuals or not-for-profit organizations, including minority  
233 individuals or organizations when possible, to provide  
234 assessment and treatment services to intensive offenders less  
235 than 13 years of age.

236 3. The monitoring and evaluation of assessment and  
237 treatment services for compliance with the provisions of this  
238 chapter and all applicable rules and guidelines pursuant  
239 thereto.

240 ~~4. The development of an annual report on the performance~~  
241 ~~of assessment and treatment to be presented to the Governor, the~~  
242 ~~Attorney General, the President of the Senate, the Speaker of~~  
243 ~~the House of Representatives, the Auditor General, and the~~

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244 ~~Office of Program Policy Analysis and Government Accountability~~  
245 ~~no later than January 1 of each year.~~

246 Section 6. Subsection (5) of section 985.317, Florida  
247 Statutes, is amended to read:

248 985.317 Literacy programs for juvenile offenders.--

249 ~~(5) EVALUATION AND REPORT. The department, in~~  
250 ~~consultation with the Department of Education, shall develop and~~  
251 ~~implement an evaluation of the literacy program in order to~~  
252 ~~determine the impact of the programs on recidivism. The~~  
253 ~~department shall submit an annual report on the implementation~~  
254 ~~and progress of the programs to the President of the Senate and~~  
255 ~~the Speaker of the House of Representatives by January 1 of each~~  
256 ~~year.~~

257 Section 7. Section 985.3142, Florida Statutes, is created  
258 to read:

259 985.3142 Failure to return from a temporary release.--The  
260 willful failure of a child to return to a residential commitment  
261 facility described in s. 985.03(46) within the time authorized  
262 for a temporary release shall:

263 (1) For a first offense, constitute absconding and such  
264 offense shall be treated in the same manner as absconding from a  
265 nonresidential commitment facility under this chapter, except  
266 that under s. 985.215(2) the court shall order that the child be  
267 returned to his or her residential commitment facility at the  
268 child's detention hearing.

269 (2) For a second or subsequent offense, constitute a  
270 misdemeanor of the second degree, punishable as provided in s.  
271 775.082 or s. 775.083.

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272 Section 8. Section 985.412, Florida Statutes, is amended  
273 to read:

274 985.412 Program review and reporting requirements ~~Quality~~  
275 ~~assurance and cost-effectiveness.--~~

276 (1) LEGISLATIVE PURPOSE.--It is the intent of the  
277 Legislature that the department:

278 (a) Ensure that information be provided to decisionmakers  
279 in a timely manner so that resources are allocated to programs  
280 ~~that of the department which~~ achieve desired performance levels.

281 (b) Collect and analyze available statistical data for the  
282 purpose of ongoing evaluation of all programs.

283 (c) ~~(b)~~ Provide information about the cost of ~~such~~ programs  
284 and their differential effectiveness so that program ~~the~~ quality  
285 ~~may of such programs can~~ be compared and improvements made  
286 continually.

287 (d) ~~(e)~~ Provide information to aid in developing related  
288 policy issues and concerns.

289 (e) ~~(d)~~ Provide information to the public about the  
290 effectiveness of ~~such~~ programs in meeting established goals and  
291 objectives.

292 (f) ~~(e)~~ Provide a basis for a system of accountability so  
293 that each youth client is afforded the best programs to meet his  
294 or her needs.

295 (g) ~~(f)~~ Improve service delivery to youth clients.

296 (h) ~~(g)~~ Modify or eliminate activities that are not  
297 effective.

298 (2) DEFINITIONS.--As used in this section, the term:

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299 (a) "Youth" ~~"Client"~~ means any person who is being  
300 provided treatment or services by the department or by a  
301 provider under contract with the department.

302 (b) "Program" means any facility, service, or program for  
303 youth that is operated by the department or by a provider under  
304 contract with the department.

305 ~~(c)~~ (b) "Program component" means an aggregation of  
306 generally related objectives which, because of their special  
307 character, related workload, and interrelated output, can  
308 logically be considered an entity for purposes of organization,  
309 management, accounting, reporting, and budgeting.

310 ~~(c) "Program effectiveness" means the ability of the~~  
311 ~~program to achieve desired client outcomes, goals, and~~  
312 ~~objectives.~~

313 (d) "Program group" means a collection of programs with  
314 sufficient similarity of function, services, and youth to permit  
315 appropriate comparisons among programs within the group.

316 (3) OUTCOME EVALUATION.--The department, in consultation  
317 with the Office of Economic and Demographic Research, the Office  
318 of Program Policy Analysis and Government Accountability, and  
319 contract service providers, shall develop and use a standard  
320 methodology for annually measuring, evaluating, and reporting  
321 program outputs and youth outcomes for each program and program  
322 group.

323 (a) The standard methodology must:

324 1. Incorporate, whenever possible, performance-based  
325 budgeting measures.

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326 2. Include common terminology and operational definitions  
327 for measuring the performance of system and program  
328 administration, program outputs, and youth outcomes.

329 3. Specify program outputs for each program and for each  
330 program group within the juvenile justice continuum.

331 4. Specify desired youth outcomes and methods by which to  
332 measure youth outcomes for each program and program group.

333 (b) By February 15 of each year, the department shall  
334 submit to the appropriate substantive and fiscal committees of  
335 each house of the Legislature and the Governor a report that  
336 identifies and describes:

337 1. The standard methodology implemented under paragraph  
338 (a).

339 2. The programs offered within each program group.

340 3. The demographic profile and offense history of youth  
341 served in each program group.

342 4. The actual program outputs and youth outcomes achieved  
343 in each program group. ~~The department shall annually collect and~~  
344 ~~report cost data for every program operated or contracted by the~~  
345 ~~department. The cost data shall conform to a format approved by~~  
346 ~~the department and the Legislature. Uniform cost data shall be~~  
347 ~~reported and collected for state operated and contracted~~  
348 ~~programs so that comparisons can be made among programs. The~~  
349 ~~department shall ensure that there is accurate cost accounting~~  
350 ~~for state operated services including market equivalent rent and~~  
351 ~~other shared cost. The cost of the educational program provided~~  
352 ~~to a residential facility shall be reported and included in the~~  
353 ~~cost of a program. The department shall submit an annual cost~~  
354 ~~report to the President of the Senate, the Speaker of the House~~  
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355 ~~of Representatives, the Minority Leader of each house of the~~  
356 ~~Legislature, the appropriate substantive and fiscal committees~~  
357 ~~of each house of the Legislature, and the Governor, no later~~  
358 ~~than December 1 of each year. Cost-benefit analysis for~~  
359 ~~educational programs will be developed and implemented in~~  
360 ~~collaboration with and in cooperation with the Department of~~  
361 ~~Education, local providers, and local school districts. Cost~~  
362 ~~data for the report shall include data collected by the~~  
363 ~~Department of Education for the purposes of preparing the annual~~  
364 ~~report required by s. 1003.52(19).~~

365 (4) ~~(a)~~ PROGRAM ACCOUNTABILITY MEASURES. ~~--~~The department of  
366 ~~Juvenile Justice~~, in consultation with the Office of Economic  
367 and Demographic Research, and contract service providers, shall  
368 develop a cost-effectiveness model and apply the model to each  
369 commitment program. ~~Program recidivism rates shall be a~~  
370 ~~component of the model.~~

371 (a) The cost-effectiveness model shall compare program  
372 costs to expected and actual youth recidivism rates ~~client~~  
373 ~~outcomes and program outputs~~. It is the intent of the  
374 Legislature that continual development efforts take place to  
375 improve the validity and reliability of the cost-effectiveness  
376 model ~~and to integrate the standard methodology developed under~~  
377 ~~s. 985.401(4) for interpreting program outcome evaluations.~~

378 (b) The department shall rank commitment programs based on  
379 the cost-effectiveness model and shall submit a report to the  
380 appropriate substantive and fiscal committees of each house of  
381 the Legislature by January 15 ~~December 31~~ of each year.

382 (c) Based on ~~reports of the department on client outcomes~~  
383 ~~and program outputs and on the department's most recent cost-~~  
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384 effectiveness rankings, the department may terminate a  
385 commitment program ~~operated by the department or a provider~~ if  
386 the program has failed to achieve a minimum threshold of cost-  
387 effectiveness ~~program effectiveness~~. This paragraph does not  
388 preclude the department from terminating a contract as provided  
389 under this section or as otherwise provided by law or contract,  
390 and does not limit the department's authority to enter into or  
391 terminate a contract.

392 (d) In collaboration with the Office of Economic and  
393 Demographic Research, and contract service providers, the  
394 department shall develop a work plan to refine the cost-  
395 effectiveness model so that the model is consistent with the  
396 performance-based program budgeting measures approved by the  
397 Legislature to the extent the department deems appropriate. The  
398 department shall notify the Office of Program Policy Analysis  
399 and Government Accountability of any meetings to refine the  
400 model.

401 (e) Contingent upon specific appropriation, the  
402 department, in consultation with the Office of Economic and  
403 Demographic Research, and contract service providers, shall:

404 1. Construct a profile of each commitment program that  
405 uses the results of the quality assurance report required by  
406 this section, the cost-effectiveness report required in this  
407 subsection, and other reports available to the department.

408 2. Target, for a more comprehensive evaluation, any  
409 commitment program that has achieved consistently high, low, or  
410 disparate ratings in the reports required under subparagraph 1.

411 3. Identify the essential factors that contribute to the  
412 high, low, or disparate program ratings.

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413 4. Use the results of these evaluations in developing or  
414 refining juvenile justice programs or program models, youth  
415 ~~elient~~ outcomes and program outputs, provider contracts, quality  
416 assurance standards, and the cost-effectiveness model.

417 (5) QUALITY ASSURANCE.--The department shall:

418 (a) Establish a comprehensive quality assurance system for  
419 each program ~~operated by the department or operated by a~~  
420 ~~provider under contract with the department~~. Each contract  
421 entered into by the department must provide for quality  
422 assurance.

423 (b) Provide operational definitions of and criteria for  
424 quality assurance for each specific program component.

425 (c) Establish quality assurance goals and objectives for  
426 each specific program component.

427 (d) Establish the information and specific data elements  
428 required for the quality assurance program.

429 (e) Develop a quality assurance manual of specific,  
430 standardized terminology and procedures to be followed by each  
431 program.

432 (f) Evaluate each program ~~operated by the department or a~~  
433 ~~provider under a contract with the department~~ and establish  
434 minimum thresholds for each program component. If a provider  
435 fails to meet the established minimum thresholds, such failure  
436 shall cause the department to cancel the provider's contract  
437 unless the provider achieves compliance with minimum thresholds  
438 within 6 months or unless there are documented extenuating  
439 circumstances. In addition, the department may not contract with  
440 the same provider for the canceled service for a period of 12  
441 months. If a department-operated program fails to meet the  
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442 established minimum thresholds, the department must take  
443 necessary and sufficient steps to ensure and document program  
444 changes to achieve compliance with the established minimum  
445 thresholds. If the department-operated program fails to achieve  
446 compliance with the established minimum thresholds within 6  
447 months and if there are no documented extenuating circumstances,  
448 the department must notify the Executive Office of the Governor  
449 and the Legislature of the corrective action taken. Appropriate  
450 corrective action may include, but is not limited to:

451 1. Contracting out for the services provided in the  
452 program;

453 2. Initiating appropriate disciplinary action against all  
454 employees whose conduct or performance is deemed to have  
455 materially contributed to the program's failure to meet  
456 established minimum thresholds;

457 3. Redesigning the program; or

458 4. Realigning the program.

459 (g) ~~The department shall~~ Submit an annual report to the  
460 President of the Senate, the Speaker of the House of  
461 Representatives, the minority leader of each house of the  
462 Legislature, the appropriate substantive and fiscal committees  
463 of each house of the Legislature, and the Governor by, ~~no later~~  
464 ~~than~~ February 1 of each year. The annual report must contain, at  
465 a minimum, for each ~~specific~~ program component:

466 1. A comprehensive description of the population served.  
467 ~~by the program;~~

468 2. A specific description of its ~~the~~ services.

469 3. A summary of the performance of each program component  
470 evaluated. ~~provided by the program;~~

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471 4. Cost data that is reported in a uniform format so that  
472 cost comparisons may be made among programs. For a residential  
473 program, the cost data must include the cost of its educational  
474 program.†

475 5. A comparison of expenditures to federal and state  
476 funding.†

477 6. Immediate and long-range concerns.† and

478 7. Recommendations to maintain, expand, improve, modify,  
479 or eliminate each program component so that changes in services  
480 lead to enhancement in program quality. The department shall  
481 ensure the reliability and validity of the information contained  
482 in the report.

483 ~~(6) The department shall collect and analyze available~~  
484 ~~statistical data for the purpose of ongoing evaluation of all~~  
485 ~~programs. The department shall provide the Legislature with~~  
486 ~~necessary information and reports to enable the Legislature to~~  
487 ~~make informed decisions regarding the effectiveness of, and any~~  
488 ~~needed changes in, services, programs, policies, and laws.~~

489 ~~(7) No later than November 1, 2001, the department shall~~  
490 ~~submit a proposal to the Legislature concerning funding~~  
491 ~~incentives and disincentives for the department and for~~  
492 ~~providers under contract with the department. The~~  
493 ~~recommendations for funding incentives and disincentives shall~~  
494 ~~be based upon both quality assurance performance and cost-~~  
495 ~~effectiveness performance. The proposal should strive to achieve~~  
496 ~~consistency in incentives and disincentives for both department-~~  
497 ~~operated and contractor provided programs. The department may~~  
498 ~~include recommendations for the use of liquidated damages in the~~  
499 ~~proposal; however, the department is not presently authorized to~~

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500 ~~contract for liquidated damages in non hardware secure~~  
501 ~~facilities until January 1, 2002.~~

502 Section 9. Judicial discretion to select commitment  
503 programs; pilot program.--

504 (1) The definitions contained in s. 985.03, Florida  
505 Statutes, apply to this section. Additionally, for purposes of  
506 this section, the term:

507 (a) "Available placement" means a commitment program for  
508 which the department has determined the youth is eligible.

509 (b) "Commitment program" means a facility, service, or  
510 program operated by the department or by a provider under  
511 contract with the department within a restrictiveness level.

512 (c) "Delinquency court" means a circuit court in the  
513 First, Eleventh, Thirteenth, or Twentieth Judicial Circuit.

514 (d) "Eligible" means a determination that the youth  
515 satisfies admission criteria for the commitment program.

516 (e) "Wait period" means the shortest period of time  
517 expected to elapse prior to placement of a youth in a commitment  
518 program, as determined by the department based upon anticipated  
519 release dates for youth currently in the commitment program.

520 (2) Between September 1, 2006, and July 1, 2010, a pilot  
521 program shall be conducted in the First, Eleventh, Thirteenth,  
522 and Twentieth Judicial Circuits which authorizes delinquency  
523 courts to select commitment programs for youth. The purpose of  
524 the pilot program is to identify and evaluate the benefits and  
525 disadvantages of affording such judicial discretion prior to  
526 legislative consideration of statewide implementation.

527 (3) Before August 31, 2006, the department shall:

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528 (a) Develop, in consultation with delinquency court  
529 judges, procedures to implement this section.

530 (b) Publish on its Internet website information that  
531 identifies the name and address of each commitment program and  
532 that describes for each identified commitment program the  
533 population of youth served; the maximum capacity; the services  
534 offered; the admission criteria; the most recent recidivism  
535 rates; and the most recent cost-effectiveness rankings and  
536 quality assurance results under s. 985.412, Florida Statutes.  
537 The department shall continually update information published  
538 under this paragraph as modifications occur.

539 (4) Between September 1, 2006, and July 1, 2010, a  
540 delinquency court may:

541 (a) Order the department to include in a youth's  
542 predisposition report a list of all available placements within  
543 each restrictiveness level identified by the court or  
544 recommended by the department. The list shall also indicate the  
545 wait period for each available placement identified by the  
546 department.

547 (b)1. Specify for a youth committed by the court an  
548 available placement identified in the listing under paragraph  
549 (a), which has a wait period of 30 calendar days or less for a  
550 minimum-risk nonresidential, low-risk residential, moderate-risk  
551 residential, or high-risk residential commitment program or a  
552 wait period of 20 calendar days or less for a maximum-risk  
553 residential commitment program; or

554 2. Alternatively, a delinquency court may specify:

555 a. An available placement with a wait period in excess of  
556 those identified in subparagraph 1., if the court states reasons

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557 on the record establishing by a preponderance of the evidence  
558 that the available placement is in the youth's best interest; or

559 b. A commitment program that is not listed as an available  
560 placement, if the court states reasons on the record  
561 establishing by a preponderance of the evidence that the youth  
562 is eligible for the commitment program and that the commitment  
563 program is in the youth's best interest.

564 (5) When a delinquency court specifies an available  
565 placement or commitment program for a youth under paragraph  
566 (4) (b), the youth shall be placed, as specified by the court,  
567 when the next regularly scheduled opening occurs after the  
568 placement of other youth who were previously committed and  
569 waiting for that program.

570 (6) (a) The Office of Program Policy Analysis and  
571 Government Accountability shall conduct a longitudinal  
572 evaluation of the pilot program created by this section and  
573 shall submit a written report to the appropriate substantive and  
574 fiscal committees of the Legislature and to the Governor on  
575 January 1, 2008, and annually thereafter, which identifies,  
576 according to judicial circuit and restrictiveness level, the  
577 following data, as it becomes available, for the pilot program  
578 period:

579 1. The number of youth committed to the department by a  
580 delinquency court.

581 2. The number of youth placed by a delinquency court in an  
582 available placement under subparagraph (4) (b)1. and sub-  
583 subparagraph (4) (b)2.a. and in a commitment program under sub-  
584 subparagraph (4) (b)2.b.

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585       3. The number of youth placed in a department-specified  
586 commitment program.

587       4. The average wait period for, and the average number of  
588 days spent by youth in secure detention while awaiting placement  
589 in, delinquency court-specified commitment programs and  
590 department-specified commitment programs.

591       5. The number of youth who complete, and who are otherwise  
592 released from, delinquency court-specified commitment programs  
593 and department-specified commitment programs.

594       6. Educational achievements made by youth while  
595 participating in delinquency court-specified commitment programs  
596 and department-specified commitment programs.

597       7. The number of youth who are taken into custody for a  
598 felony or misdemeanor within 6 months following completion of  
599 delinquency court-specified commitment programs and department-  
600 specified commitment programs.

601       (b) Before August 31, 2006:

602       1. The department, in consultation with the Office of  
603 Program Policy Analysis and Government Accountability, shall  
604 develop reporting protocols to collect and maintain data  
605 necessary for the report required by this subsection.

606       2. The Office of Program Policy Analysis and Government  
607 Accountability, in consultation with staff of the appropriate  
608 substantive and fiscal committees of the Legislature, shall  
609 develop common terminology and operational definitions for the  
610 measurement of data necessary for the report required by this  
611 subsection.

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612 (c) The reports required under paragraph (a) to be  
613 submitted on January 1, 2009, and January 1, 2010, must also  
614 include:

615 1. Findings by the Office of Program Policy Analysis and  
616 Government Accountability, the department, and delinquency  
617 courts regarding the benefits and disadvantages of authorizing  
618 courts to select commitment programs.

619 2. Recommendations by the Office of Program Policy  
620 Analysis and Government Accountability, the department, and  
621 delinquency courts, if found to be warranted, for amendments to  
622 current statutes addressing commitment.

623 (7) This section is repealed effective July 1, 2010.

624 Section 10. Task force on juvenile cruelty to animals.--

625 (1) The Legislature recognizes that multiple research  
626 studies have found statistically significant correlations  
627 between acts of animal cruelty by juveniles and violent behavior  
628 against persons and that a literature review conducted by the  
629 federal Office of Juvenile Justice Delinquency Prevention found  
630 that juvenile animal cruelty may be characteristic of the  
631 developmental histories of 25 to 60 percent of violent adult  
632 offenders. The Legislature further recognizes that it is  
633 critical for the rehabilitation of juvenile animal cruelty  
634 offenders and for the protection of society that the Legislature  
635 establish a policy requiring the Department of Juvenile Justice  
636 to assess the specific rehabilitation needs of juvenile animal  
637 cruelty offenders and to provide programs that will treat these  
638 offenders and halt further antisocial conduct.

639 (2) For purposes of this section, the term:

640 (a) "Department" means the Department of Juvenile Justice.

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641 (b) "Juvenile animal cruelty offender" means a juvenile  
642 referred to the department who has violated s. 828.12, Florida  
643 Statutes, or who otherwise has a history of engaging in one or  
644 more acts of animal cruelty.

645 (3) There is created a task force to review and evaluate  
646 the state's laws that define and address animal cruelty and the  
647 department's practices for treating and rehabilitating juvenile  
648 animal cruelty offenders. The task force shall make findings  
649 that include, but are not limited to:

650 (a) Identification of statutes that address animal  
651 cruelty.

652 (b) Compilation of statistics regarding the number of  
653 juveniles in this state who have been found, between July 1,  
654 2001, and June 30, 2006, to have committed an act of animal  
655 cruelty in violation of s. 828.12, Florida Statutes, and  
656 identification of the disposition imposed in each of those  
657 cases.

658 (c) A profile of the delinquency and criminal histories of  
659 the juveniles involved in the cases identified in paragraph (b)  
660 before and after commission of the act of animal cruelty.

661 (d) A summary of the department's methods for identifying  
662 juvenile animal cruelty offenders who are referred to the  
663 department for a delinquent act other than a violation of s.  
664 828.12, Florida Statutes.

665 (e) Identification of the department's practices,  
666 procedures, and programs for the treatment and rehabilitation of  
667 juvenile animal cruelty offenders.

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668 (f) A summary of research regarding juvenile animal  
669 cruelty offenders and of any recommendations contained therein  
670 for the treatment and rehabilitation of these offenders.

671 (g) Identification of best and evidence-based practices  
672 and model programs used in other jurisdictions for the treatment  
673 and rehabilitation of juvenile animal cruelty offenders.

674 (4) Based on its findings, the task force shall make  
675 recommendations for the improvement of the state's policies and  
676 laws that address juvenile animal cruelty. Such recommendations  
677 shall specifically include, but are not limited to,  
678 identification of methods to assess the needs of juvenile animal  
679 cruelty offenders, treatment programs that will best  
680 rehabilitate juvenile animal cruelty offenders, service delivery  
681 mechanisms to ensure that recommended treatment programs are  
682 available statewide, and any funding needs above existing  
683 resources to ensure adequate availability of recommended  
684 treatment programs.

685 (5) On or before August 1, 2006, the secretary of the  
686 department shall appoint up to 12 members to the task force. The  
687 task force membership shall include, but is not limited to:  
688 three persons who collectively have experience with the conduct  
689 of juvenile animal cruelty research and with the treatment and  
690 rehabilitation of juvenile animal cruelty offenders; two  
691 department employees who collectively are responsible for  
692 research and planning and delinquency prevention and treatment  
693 programming; and two representatives of providers of juvenile  
694 delinquency prevention, treatment, and rehabilitation services.

695 (6) The task force shall submit a written report of its  
696 findings and recommendations to the Governor, the President of  
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697 the Senate, and the Speaker of the House of Representatives by  
698 January 1, 2007.

699 (7) Administrative support for the task force shall be  
700 provided by the department. Members of the task force shall  
701 serve without compensation, but are entitled to reimbursement  
702 under s. 112.061, Florida Statutes, for travel and per diem  
703 expenses incurred in the performance of their official duties.  
704 The task force shall strive to minimize travel and per diem  
705 expenses by performing, when practicable, its duties in the  
706 location where the majority of task force members reside.

707 (8) The task force shall be dissolved upon submission of  
708 its report.

709 Section 11. Task Force on Juvenile Sexual Offenders and  
710 their Victims.--

711 (1) For purposes of this section, the term:

712 (a) "Department" means the Department of Juvenile Justice.

713 (b) "Task force" means the 2006 Task Force on Juvenile  
714 Sexual Offenders and their Victims.

715 (2) On or before August 1, 2006, there shall be created a  
716 task force to continue the evaluation of the state's juvenile  
717 sexual offender laws that was conducted by the 2005 Task Force  
718 on Juvenile Sexual Offenders and their Victims, as created in s.  
719 10 of chapter 2005-263, Laws of Florida.

720 (3) The secretary of the department shall appoint up to 12  
721 members to the task force, who shall include, but are not  
722 limited to, a circuit court judge with at least 1 year of  
723 experience in the juvenile division, a state attorney with at  
724 least 1 year of experience in the juvenile division, a public  
725 defender with at least 1 year of experience in the juvenile

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726 division, two representatives of the department, one member from  
727 the Florida Juvenile Justice Association, two members from  
728 providers of juvenile sexual offender services, one member from  
729 the Florida Association for the Treatment of Sexual Abusers, and  
730 one victim advocate.

731 (4) The task force shall:

732 (a) Review the findings and recommendations contained in  
733 the final report of the 2005 Task Force on Juvenile Sexual  
734 Offenders and their Victims, including the recommendations  
735 specified in Appendix II of that report, and identify each  
736 recommendation that has not yet been implemented.

737 (b) Determine which recommendations reviewed under  
738 paragraph (a) remain appropriate for implementation.

739 (c) Make additional recommendations, if warranted, for the  
740 improvement of the state's laws, policies, programs, and funding  
741 for juvenile sexual offenders.

742 (d) Submit a written report to the Governor and the  
743 appropriate substantive and fiscal committees of the Legislature  
744 no later than January 1, 2007, that:

745 1. Discusses each state law addressing juvenile sexual  
746 offenders.

747 2. Specifically identifies statutory criteria that should  
748 be satisfied before a juvenile is classified as a sexual  
749 offender or placed in sexual offender programming.

750 3. Sets forth detailed findings in support of each  
751 recommendation under paragraphs (b) and (c) and a comprehensive  
752 plan for implementation of these recommendations, including  
753 proposed amendments to statute to redefine the term "juvenile

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754 sexual offender" and modifications of state agency rules,  
755 practices, and procedures.

756 (5) The department shall provide administrative support  
757 for the task force. Members of the task force shall receive no  
758 salary from the state beyond any salary already received from  
759 their sponsoring agencies, if any, and are not entitled to  
760 reimbursement for travel and per diem expenses.

761 (6) The task force shall be dissolved upon submission of  
762 its report.

763 Section 12. This act shall take effect July 1, 2006.

764

765 ===== T I T L E A M E N D M E N T =====

766 Remove the entire title and insert:

767 A bill to be entitled

768 An act relating to juvenile justice; amending s. 985.207, F.S.;  
769 permitting a law enforcement officer to take a child into  
770 custody for a violation of adjudication order conditions;  
771 amending s. 985.215, F.S.; permitting specified types of  
772 postadjudication detention for a child who has previously failed  
773 to appear at delinquency court proceedings regardless of risk  
774 assessment instrument results; providing exceptions that permit  
775 postadjudication detention until the child's disposition order  
776 is entered in his or her case; conforming cross-references;  
777 amending s. 985.228, F.S.; requiring a court to include  
778 specified conditions in a child's order of adjudication of  
779 delinquency that apply during the postadjudication and  
780 predisposition period; providing a definition; permitting a  
781 court to find a child in contempt of court for a violation of  
782 adjudication order conditions; providing sanctions; amending s.  
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783 985.31, F.S.; deleting a requirement for a report on serious or  
784 habitual juvenile offenders; amending s. 985.311, F.S.; deleting  
785 a requirement for a report on intensive residential treatment;  
786 amending s. 985.317, F.S.; deleting a requirement for a report  
787 on literacy programs for juvenile offenders; creating s.  
788 985.3142, F.S.; providing that the willful failure of a child to  
789 return to a residential commitment facility within the time  
790 authorized for a temporary release is absconding for a first  
791 offense and is a second degree misdemeanor for a second or  
792 subsequent offense; providing penalties; amending s. 985.412,  
793 F.S.; directing the Department of Juvenile Justice to collect  
794 and analyze specified data; creating and revising definitions;  
795 requiring the development of a standard methodology for annually  
796 measuring, evaluating, and reporting program outputs and youth  
797 outcomes; requiring an annual report; specifying report  
798 contents; deleting a requirement for an annual cost data report;  
799 deleting a requirement for a cost-benefit analysis of  
800 educational programs; revising a cost-effectiveness model for  
801 commitment programs; revising a cost-effectiveness report due  
802 date; revising requirements for annual quality assurance  
803 reporting; conforming provisions; deleting obsolete provisions  
804 relating to incentive and disincentive proposals and liquidated  
805 damages; creating a pilot program that authorizes specified  
806 courts to select commitment programs for juvenile delinquents;  
807 providing definitions; providing the program's purpose;  
808 requiring the Department of Juvenile Justice to develop  
809 implementation procedures and to publish specified information  
810 about commitment programs on its website; providing procedures  
811 for the selection of commitment programs by courts; requiring  
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812 evaluation and reports by the Office of Program Policy Analysis  
813 and Government Accountability; specifying department and court  
814 responsibilities relating to the reports; providing for future  
815 repeal of the pilot program; creating a task force on juvenile  
816 cruelty to animals; providing powers and duties; requiring the  
817 task force to consider specified issues and make  
818 recommendations; providing membership; requiring a report;  
819 providing for administrative support and travel reimbursement;  
820 providing for dissolution of the task force; creating a Task  
821 Force on Juvenile Sexual Offenders and their Victims; providing  
822 definitions; providing membership; providing duties; requiring a  
823 report; providing for administrative support; prohibiting per  
824 diem and travel reimbursement; providing for dissolution of the  
825 task force; providing an effective date.